No. 88-674

(3)

Supreme Court, U.S.
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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1988

JACK ABADJIAN, MARK BALL, JOSEPH BROWN, JOHN EGHENIAN, BRAD MAY, NASSIR MAZAREI, DONALD PROUSE, AL ROSENSTEIN, ARAM SHISHMANIAN, JOE SMIDERLE and STEPHEN WEBBER,
Petitioners,

VS.

GULF OIL CORPORATION,
a Pennsylvania corporation,
THRIFTY OIL CORPORATION,
a California corporation,
Respondents.

On Petition for a Writ of Certiorari to the Court of Appeal for the State of California, Second Appellate District, Division Two

RESPONDENT GULF OIL CORPORATION'S BRIEF IN OPPOSITION

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a Pennsylvania corporation,
THRIFTY OIL CORPORATION,
a California corporation,
Respondents.

On Petition for a Writ of Certiorari to the Court of Appeal for the State of California, Second Appellate District, Division Two

RESPONDENT GULF OIL CORPORATION'S BRIEF IN OPPOSITION

INTRODUCTION AND SUMMARY OF ARGUMENT[1]

The Petition does not warrant review by this Court. In an unpublished opinion, an intermediate California appellate court, adopting the rationale of a California federal

[1]Subsequent to the filing of this action, Respondent Gulf Oil Corporation was merged into Chevron U.S.A., Inc., a subsidiary of

district court and another intermediate California court, correctly determined that claims arising under the Petroleum Marketing Practices Act ("PMPA"), 15 U.S.C. §§ 2801 *et seq.*, lie within the exclusive jurisdiction of the federal courts.

In addition, the fact that a federal district court had earlier remanded the case to state court has no bearing on the determination of the California appellate court. Orders of federal district courts have no binding stare decisis effect on state courts. Moreover, the remand order did not consider the jurisdictional issue addressed by the California intermediate appellate court.

JURISDICTION

Respondent Gulf agrees that the Petition was timely filed. This Court's jurisdiction rests on 28 U.S.C. § 1257(3).

STATEMENT OF THE CASE

In September 1980, Gulf agreed to sell its interest in approximately two hundred (200) service stations to Thrifty Oil Co. ("Thrifty"), subject to the service station dealers' rights under the PMPA. Included among those properties were service stations occupied and operated by petitioners.

Petitioners filed suit on August 13, 1981, seeking, *inter alia,* a determination of their PMPA rights.

Because it appeared from their complaint that petitioners claimed *directly* under the PMPA, a federal statute, Gulf and Thrifty removed the action to federal court. In

---

Chevron Corporation. Corporate subsidiaries and affiliates of Chevron are set forth in Appendix A.

seeking remand, counsel for petitioners expressly represented to the federal court that "we have not purported to allege a cause of action under the Petroleum Marketing Practices Act." The case was subsequently remanded to state court.

In late 1983, petitioners filed a motion for summary adjudication of issues "under PMPA." This prompted Gulf and Thrifty to remove the case again since petitioners, in their moving papers, sought summary adjudication of rights under the PMPA rather than a declaration of rights under state law, which was what petitioners previously had maintained they were seeking. The case was again remanded to the California Superior Court for the County of Los Angeles. *See, Abadjian v. Gulf Oil Corp.*, 602 F.Supp. 874 (C.D.Cal. 1984).

Petitioners' PMPA claims thereafter were tried to the court on stipulated facts. Judgment was entered granting petitioners rights of first refusal to purchase Gulf's interest in petitioners' respective service stations. Gulf and Thrifty appealed from that judgment.

On May 8, 1988, the California Court Of Appeal, Second Appellate District, reversed the trial court's judgment on the ground that federal courts have exclusive jurisdiction over PMPA claims and, therefore, the trial court lacked jurisdiction to resolve disputes arising under the PMPA. The California Supreme Court summarily denied review on July 20, 1988. Petitioners timely filed their Petition For Certiorari in this Court.

REASONS FOR DENYING THE WRIT

I.

THE PETITION PRESENTS NO CONFLICT AMONG STATE COURTS OF LAST RESORT, NOR AN IMPORTANT ISSUE OF LAW, CONCERNING THE EXCLUSIVE JURISDICTION UNDER THE PETROLEUM MARKETING PRACTICES ACT

Rule 17.1(b) of the U.S. Supreme Court Rules provides that certiorari may be proper "when a state court *of last resort* has decided a federal question in a way which conflicts with the decision of another state court *of last resort* or of a federal *court of appeals.*" (Emphasis added.) This rule reflects the importance of allowing the highest courts of the land to develop the law and define areas of conflict (if any) before this Court, as a final arbiter, exercises its jurisdiction. *See,* 13 J. MOORE, MOORE'S FEDERAL PRACTICE, § 817.21 (2d ed. 1988).

Section 2805(a) of PMPA provides that an action by a franchisee against a franchisor "may be brought . . . in the district court of the United States . . . ." 15 U.S.C. § 2805(a). Whether this statute confers concurrent jurisdiction has not been addressed by a "state court of last resort," in this case or any other. Nor has the issue been addressed by a single "federal court of appeals."

Similarly, the requirements of Rule 17.1(c) have not been met because no "important question of federal law" is presented by this case. In the ten years since the PMPA was enacted, only a handful of courts have considered whether PMPA jurisdiction is exclusively federal or concurrent. No state court of last resort and no federal circuit court have considered the issue. The absence of such review by federal circuit courts and state courts of

last resort evidences that an "important question of federal law" has not been raised.

Moreover, the statute clearly *does* establish exclusive federal jurisdiction. In *Ted's Tire Service, Inc. v. Chevron U.S.A., Inc.*, 470 F.Supp. 163, 165 (D. Conn. 1979), the court summarily concluded that Congress intended concurrent state jurisdiction under Section 2805(a), because that section does not say an action "*must* be instituted in federal court." However, *Ted's Tire Service* made no reference to other language in the PMPA or its legislative history. The only other federal case interpreting Section 2805(a), *Rustom v. Atlantic Richfield Co.*, 618 F.Supp. 210 (C.D.Cal. 1985), did thoroughly analyze the question of PMPA jurisdiction, rejecting *Ted's Tire Service* as unpersuasive. 618 F.Supp. at 212. The *Rustom* court concluded that while there is a presumption of concurrent jurisdiction, that presumption may be rebutted:

> In *Gulf Offshore,* the Court held that there is a presumption that a state court has concurrent jurisdiction over actions arising under a federal statute .... However, that presumption may be rebutted "by unmistakable implication from legislative history, or by a clear incompatibility between state court jurisdiction and federal interests."
>
> 618 F.Supp. at 212.

Rustom has been consistently followed in both state and federal courts in California. *See, Elimelekh v. Texaco Refining & Marketing, Inc.*, Bus. Fran. Guide (CCH ¶ 8663 at 16,751 (C.D.Cal. 1986)); *Eckel v. Atlantic Richfield Co.*, No. CV85-8451 (AHS), slip op. (C.D.Cal. 1986); *Niakan v. Samaan,* 199 Cal.App.3d 716, 719, 245 Cal.Rptr. 24 (1988); *but see, California ARCO Distrib., Inc. v. Atlantic Richfield Co.,* 158 Cal.App.3d 349, 364, 204 Cal.Rptr. 743

(1984) (a case decided before *Rustom,* which endorsed, without analysis, the holding in *Ted's Tire Service*), and *Johnson v. Mobil Oil Corp.,* 528 A.2d 155 (Pa. Super. 1987) (citing but refusing to follow *Rustom*). This Court has recently denied review of the very issue presented here, *Kreisher v. Mobil Oil Corp.,* No. 88-195, *cert. denied* 57 U.S.L.W. 3260 (U.S. October 11, 1988).

This Court's decision in *Gulf Offshore Co. v. Mobil Oil Corp.,* 453 U.S. 473 (1981), provides the appropriate guidelines for determining the exclusive/concurrent jurisdiction issue: concurrent jurisdiction over actions arising under a federal statute is presumed (*Id.* at 478); but that presumption may be rebutted "by unmistakable implication from legislative history, or by a clear incompatibility between state court jurisdiction and federal interests." *Id.*

The language of the PMPA clearly indicates that Congress intended exclusive federal jurisdiction. After providing that a PMPA action "may be brought . . . in [a federal] district court . . . " in Section 2805(a), Congress then provided for damages which are " . . . consistent with the Federal Rules of Civil Procedure . . . ," and application of Rule 65 standards for issuance of injunctions. 15 U.S.C. §§ 2805(d)(1)(A), 2805(h)(2). Reference to federal rules provides a clear implication of exclusive jurisdiction, which is confirmed as well by the legislative history for PMPA.

Both the Senate and House Reports on the legislation state that "the provisions of Title I are enforceable by private civil action in U.S. District Court." S.REP. No. 95-731, 95th Cong. 2d Sess., *reprinted in* [1978] U.S. CODE CONG. & AD. NEWS at 874; H.R. REP. No. 95-161, 95th Cong. 1st Sess. 14 (1978). *See also, Rustom,* 618 F.Supp. at 212; *Niakan,* 199 Cal.App.3d at 720. Absolutely nothing

was said about concurrent jurisdiction of state courts, nor is there any language in the legislative history from which such jurisdiction could be inferred. The conspicuous absence of congressional reference to concurrent state court jurisdiction was noted by the court in *Rustom:*

> Although not determinative, the absence of reference to the state courts combined with Congress' affirmative references to the federal courts suggests an intent to make federal jurisdiction exclusive.
>
> 739 F.2d at 436.

Thus, both the statutory language and legislative history make implicit Congress' intent that federal courts have exclusive jurisdiction of claims under the PMPA.

II.

THE PETITION PRESENTS NO REVIEWABLE ISSUE CONCERNING REMAND ORDERS

Petitioners' argument that remand orders issued pursuant to 28 U.S.C. Section 1447(d) are not appealable is misguided, and provides no basis for issuance of certiorari. First, the California Court of Appeal did not review or purport to review the remand order. Second, the remand order did not address the issue of exclusive jurisdiction ruled upon by the California Court of Appeal. Third, petitioners' argument wrongly assumes that decisions of a federal district court function as law of the case in subsequent state court proceedings. The law is to the contrary. As noted in 1B J. MOORE, MOORE'S FEDERAL PRACTICE, ¶ 0.402[1] (2d ed. 1987):

> In matters of federal law, of course, all the state courts owe obedience to the decisions of the Supreme Court of the United States, but the *decisions of the*

> *court of appeals in the circuit embracing the state, or those in the district court of the district in which the trial takes place,* do not govern under the doctrine of stare decisis.
>
> (Emphasis added.)

Consistent with this general proposition, the courts of the State of California have specifically held that a remand decision of a federal district court does not operate as law of the case. *Provience v. Valley Clerks Trust Fund,* 169 Cal.App.3d 249, 256, 209 Cal.Rptr. 276, 279 (1984); *California ARCO Distributors, Inc. v. Atlantic Richfield Co.,* 158 Cal.App.3d 349, 364 n. 9, 204 Cal.Rptr. 743, 754 n. 9 (1984).

As the courts in California, as well as federal courts acknowledge, a court always has the power to determine whether it lacks jurisdiction at any stage of the proceeding. *See, e.g., Ilan-Gat Engineers, Ltd. v. Antigua International Bank,* 659 F.2d 234, 239 (D.C. Cir. 1981); *Jacobs v. Retail Clerks Union, Local 1222,* 49 Cal.App.3d 959, 963, 123 Cal.Rptr. 309, 312 (1975). The remand order on which petitioners seek to rely did not prevent the courts of the State of California from concluding, on the record there presented, that exclusive jurisdiction lay in the federal courts.

CONCLUSION

For the reasons stated, the Petition should be denied.

Dated: November 16, 1988

Respectfully submitted,

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APPENDIX A

SUBSIDIARIES AND AFFILIATES OF CHEVRON CORPORATION

American Gilsonite Company
American Overseas Petroleum Limited
  American Overseas Petroleum (Spain) Limited
Arabian Chevron Overseas Limited
Arabian Chevron, Inc.

California (Nigeria), Incorporated
  Chevron Oil Company (Nigeria)
California Asiatic Oil Company
  Chevron Darajat Limited
  Chevron Jambi Inc.
  Chevron Langsa Inc.
  Chevron Natuna Inc.
  Chevron Nauka Inc.
  Chevron Oil Company (Nigeria)
  Chevron Oil Company of Spain
  Gulf Oil Zaire S.A.R.L.
Caltex Petroleum Corporation
Chevron Do Brasil Participacoes
  e Empreendimentos Ltda.
Chevron Amazon Petroleum Company
Chevron Australia Transport Pty., Ltd.
  Northwest Shelf Shipping Service
    Company Pty. Ltd.
Chevron Bahia Petroleum Company
Chevron Bahia Sub Petroleum Company
Chevron Canada Limited
  Chevron Canada Resources Limited
    Cansulex Limited
    Chevron Development Company Limited
    Glen Park Gas Pipeline Company Limited

Rimbey Pipe Line Co. Ltd.
Sultran Ltd.
Chevron Minerals Ltd.
Cornwallis Arctic Oils Limited
Furnace Oil Sales Ltd.
Irving Oil Company, Limited
Irving Oil Limited
Canaport Limited
Irving California Oil Company Ltd.
Irving Oil Terminals Ltd.
Irving Oil Limited
Canaport Limited
Irving California Oil Company Ltd.
Irving Oil Terminals Ltd.
Standard Oil Company of British Columbia (1981) Limited
Chevron Chemical Company
Aditivos Mexicanos, S.A. de C.V.
BGD Company
Chevron Do Brasil Ltda.
Chevron Chemical (Canada) Limited
Later Chemicals Limited
Chevron Chemical (Far East) Private Limited
Chevron Chemical (FSC)
Chevron Chemical Company, S.A.F.
Deutsche Ortho G.M.B.H.
Chevron Chemical International Sales, Inc.
Orogil, S.A.
Chevron Chemical International, Inc.
Chevron Chemical, S.A.
Chevron Chemical G.M.B.H.
Chevron International Chemicals Ltd.
Coromandel Fertilizers Limited
Insecticidas Ortho, S.A.

Internacional De Basicos y Quimicos, S.A. de C.V.
Karonite Chemical Company, Limited
Nippon Petroleum Detergent Company, Limited
Orogil, S.A.
Petrosynthese, S.A.
Plastigama S.A.
Quimicas Ortho de California, Limitada
Spirolite Corporation
Sugar Creek Terminals, Inc.
Valent U.S.A. Corporation
Chevron Coal Development Company
Chevron Environmental Health Center, Inc.
Chevron Exploration Corporation
Chevron Exploration Corporation of Chile
Chevron Exploration Corporation of Sudan
Chevron Foreign Service Corporation
Chevron Guaratuba Petroleum Company
Chevron Iguape Petroleum Company
Chevron Indonesia Oil Company
Chevron Industries, Inc.
Chevron Mineral Corporation of Ireland
Compania Minera Chevron Dominicana, S.A.
Chevron International Oil Company, Inc.
Aircraft Fuel Supply B.V.
Chevron Belgium Refining
Chevron Erodel Mandels-GHBH
Caltex Deutschland G.M.B.H.
Mineraloel-Additives Vertriebsgesellschaft M.B.H.
Chevron Functional Fluids, Inc.
Chevron International Services, Inc.
Chevron International Trading Company — West Africa
Chevron Italiana Marina Aviazione S.P.A.

Mars-Milan Airport Refuelling Services S.P.A.
Seram — S.P.A.
Chevron Oil (Switzerland)
Mittelland Refinery Limited
Saraco S.A.
Tar-Tankanlage Ruehlang A.G.
Ubag-Unterflurbetankungsahlage Flughafen Zurich
Chevron Oil Latin America, Inc.
Chevron Oil Trading Company
Compania Minera Chevron Dominicana, S.A.
Maasylakte Olte Terminal N.Y.
Sunset Oil Trading Limited
Chevron Investment Management Company
Chevron Itajai Petroleum Company
Chevron Land and Development Copany
C-H Properties, Inc.
Glenwood Properties
Ontario Center, The
Pacific Coast Homes
Sepulveda Properties, Inc.
Chevron Maranhad Petroleum Company
Chevron Mineral Corporation of Ireland
Chevron Natural Gas Services, Inc.
Chevron Nile Services Limited
Chevron Oil & Chemical Company Pty. Ltd.
Chevron Oil and Chemical Company Limited
Chevron Oil and Chemical Company Oy
Chevron Oil Company of Central African Republic
Chevron Oil Company of Chad
Societe D'Etude et D'Exploitation de la Raffinerie du Tch
Chevron Oil Company of Egypt

Chevron Oil Company of Gabon
Chevron Oil Company of Germany
Chevron Oil Company of India
Chevron Oil Company of Ireland
Chevron Oil Company of Italy S.P.A.
Chevron Oil Company of Japan
Chevron Oil Company of Korea
Chevron Oil Company of Niger
Chevron Oil Company of Portugal
Chevron Oil Company of Senegal
Chevron Oil Company of Sudan
Chevron Oil Company of Syria
Chevron Oil Company of the Gambia
Chevron Oil Company of the Philippines
Chevron Oil Company of Uruguay
Chevron Oil Company of Yugoslavia (Jabuka)
Chevron Oil Company of Yugoslavia (Hljet)
Chevron Oil Exploration Company of Greece
Chevron Oil Field Research Company
Chevron Orient, Inc.
Chevron Overseas Company
Chevron Overseas Finance Company
  Chevron Oil Company of Venezuela
    Tierras e Inversiones Venezuela, C.A.
  Compania Petrolera Chevron, Ltd.
Chevron Overseas Petroleum Inc.
  Gulf Oil Zaire S.A.P.L.
Chevron Petroleum Company of Brazil
Chevron Petroleum Company of Colombia
Chevron Petroleum Company of Norway
Chevron Pipe Line Company
  Canyon Reef Carriers, Inc.
  Chandeleur Pipe Line Company
  Chevron Alaska Pipe Line Company
  Chevron Raven Ridge Pipe Line Company

- Dixie Pipeline Company
- Explorer Pipeline Company
- Kenai Pipe Line Company
- Mid-Valley Pipeline Company
- Paloma Pipe Line Company
- Plantation Pipe Line Company
- Platte Pipe Line Company
- Standard Gas Company
- Standard Pacific Gas Line Incorporated
- Standard Pipe Line Company
- West Texas Gulf Pipe Line Company

Chevron Porto Belo Petroleum Company

Chevron Research Company

- B.V. Chevron Centrale Laboratoria
- Chevron do Brasil Ltda.
- Chevron Research Company (Japan) Ltd.
- Compania Minera Chevron Dominicana, S.A.

Chevron Sao Luis Petroleum Company

Chevron Sao Marcos Petroleum Company

Chevron Shale Oil Company

Chevron Shipping Company

Chevron Solemar Petroleum Company

Chevron Standard Limited

- Chevron Canada Resources Limited
  - Cansulex Limited
  - Chevron Development Company Limited
- Glen Park Gas Pipeline Company Limited
- Rimbey Pipe Line Co. Ltd.
- Sultran Ltd.

Chevron Stations, Inc.

Chevron Tankers (Nederland) B.V.

Chevron Telecommunications Company

Chevron U.S.A. Inc.

- American Personnel Services, Inc.
- Atlas Supply Company

Bolivian Gulf Oil Company
California Company, The
Chevron Capital U.S.A. Inc.
Chevron Geothermal Company of California
Chevron Oil Finance Company
Chevron Petroleum Company of The Netherlands
Chevron Travel Club, Inc.
Chevron Travel Club Services Company
Federal Engineering Corporation
Felix Oil Company
Gulf Auto Club, Inc.
Gulf Oil Communications Company, Inc.
Gulf Oil Realty Company
Gulf Reston Properties, Inc.
GOC Acquisition Corporation
Intermountain Geothermal Company
International Bitumen Emulsions Corporation
Kewanee Industries, Inc.
Kewanee Overseas Oil Company
Netherlands Kewanee, Inc.
Lost Hills Water Company
Murvale Company
Pembroke Capital Company Inc.
Petroleum Facilities, Inc.
Standard Gasoline Company
Standard Oil Company
Standard Oil Company of Texas, Inc.
Transocean Group, Inc.
Transinsco, Inc.
Warren Petroleum, Inc.
Western States Geothermal Company
Chevron Ubatuba Petroleum Company
Chevron Venezuela Services Inc.
Compania de Petroleo Chevron S.A.

Compania Comercial California S.A.
Compania Comercial Conchan S.A.
Compania Minera Chevron de Espana, S.A.
Compania Minera Chevron Dominicana, S.A.
Compania Minera Chevron, Inc.
Compania Petrolera Chevron
Compania Petrolera Chevron Nicaragua
Cornwallis Arctic Oils Limited
Crest Exploration Limited

Far Eastern Petroleum Company Limited
  Chevron Overseas Petroleum Limited
    Borco Towing Company Limited
    Freeport Trading Company Limited
    Marine Agents and Brokers Limited
    Overseas Petroleum Company Limited
      Borco Towing Company Limited
      Freeport Trading Company Limited
      Marine Agents and Brokers Limited
    River Nile Petroleum Company Limited
    White Nile Petroleum Company Limited

Gulf Oil Corporation

Huntington Beach Company
  Huntington Pacific Corporation
  Huntington Seacliff Corporation
  Mansion Properties, Inc.

Iran Chevron Oil Company
  Iranian Oil Participants Limited
  Iranian Oil Services (Holdings) Limited

Kelmac, Inc.
  Ukamar Limited

Ocean Facilities, Inc.
  Ocean Charters, Inc.

Oil Insurance Limited
Oil Investment Corporation Ltd.
Oil Investment Corportion Ltd.
P. T. Caltex Pacific Indonesia
Pacific Oil Company
Petroleum Buildings, Inc.
Pittsburg & Midhay Coal Mining Co., The
Solvent Refined Coal International, Inc.
Powell Bend Mining Co.
Refineria Petrolera de
Guatemala-California, Inc.
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company
Standard Oil Company of California
Standard Oil Company of Delaware
Standard Oil Company, Inc.
Standard Oil Company, Ltd.
Standard Oil Company Sales Co., Inc.
Transocean Chevron Company
Arabian American Oil Company
Aramco Overseas Company
Aramco Services Company
Trans-Arabian Pipe Line Company
Associated Octel Company Limited, The
A.K. Chenie G.H.B.H.
Associated Octel Company (Plant) Limited
Associated Octel Company
(South Africa) (Proprietary) L

Octel Societe Anonyme
Societa Italiana Additivi Per
Carbu'ranti SPA is. I.A.C.
Societe Octel-Kuhlemann
Australian Gulf Oil Company
Bermaco Insurance Company Limited
Insco Limited
Britamco Limited
Cabinda Gulf Oil Company
Cabinda Gulf Oil Company Limited
Chevron (U.K.) Offshore Investments Limited
Chevron Oil (TNS) Limited
Chevron Oil (TOGH) Limited
Chevron Oil (TOI) Limited
Chevron Oil (TOI) Limited
Chevron Oil (TNS) Limited
Chevron U.K. Offshore Exploration Company Limited
Chevron Capital N.V.
Chevron Caribbean Investments Inc.
Chevron Chemical (Hong Kong) Limited
Chevron Germany Inc.
Chevron International Limited
Cayman Kewanee Limited
Chevron Barreirinhas Exploration Limited
Chevron Servicos de Petroleo LTDA.
Chevron International (Argentina) Limited
Chevron International (Malaysia) Limited
Chevron International Italy Limited
Chevron International Somalia Limited
Chevron International Yugoslavia Limited
Chevron UNG Shipping Company Limited
International Gas Transportation Company Limited
Chevron Niugini Pty. Limited

Chevron Transport Corporation
Chevron Product Carriers Corporation
Chevron Tankers (Bermuda) Limited
Gulf Musandam Petroleum, Limited
Gulf Oil (Ireland) Limited
Gulf Oil of Colombia Limited
Gulf Oil Australia Pty. Ltd.
Gulf Oil Egypt Limited
Gulf Oil Pakistan Limited
Gulf Oil Ras Al-Khaimah Limited
Gulf Oil Shadwan Limited
Gulf Oil Suez Limited
Gulf Oil Terminals (Ireland) Limited
Britama Tankers Limited
Gulf Oman Petroleum Limited
Kupan International Company Pension Plan
Trustees Limited
Natuna Gulf Oil Limited
Sumatra Gulf Oil, Limited
Tunisian Gulf Exploration and
Production Company
Chevron Italia Oil Company S.P.A.
Chevron Marine And Services Company Limited
Chevron Oil and Chemical Company AB
Chevron Oil Company of the Netherlands
Gulf Oil (Nederland) Exploration and
Production Company
Chevron Oil Service Company
Chevron International Oil Company Limited
Chevron Oil (Ireland) Limited
Chevron Petroleum (U.K.) Limited
British Kewanee, Inc.
Kewanee Oil Company (U.K.) Limited
Chevron Exploration North Sea Limited
Chevron Petroleum Company Limited

Chevron Oil, Sociedad Anonima
Chevron Sulamesi Inc.
Chevron U.K. Limited
  BriTama Tankers Limited
  Chevron chemical U.K. Limited
  Chevron Oil (TOGH) Limited
  Chevron Pension Fund Trustee Company Limited
    Gulf Pension Fund Trustee Company Limited
      Gulf Pension Fund Trustee Company Limited
    Chevron Pension Fund Trustee Company Limited
    Gulf International Trading Company (Europe) Limited
      Chevron Chemical U.K. Limited
    Gulf Oil Financial Services Company Limited
    Gulf Oil North Sea Limited
    Gulf Oil Refining Limited
  Eastern Gulf Oil Company Limited
    Britama Tankers Limited
  Gulf International Trading Company (Europe) Limited
  Gulf Oil (Great Britain) Limited
  Gulf Oil Financial Services Company Limited
    Chevron Chemical U.K. Limited
  Gulf Oil North Sea Limited
  Gulf Oil Terminals (Ireland) Limited

Gulf Pension Fund Trustee Company Limited
Chevron Pension Fund Trustee Company Limited
Chevron Pension Fund Trustee Company Limited
Gulf International Trading Company (Europe) Limited
Gulf Oil Financial Services Company Limited
Gulf Oil North Sea Limited
Gulf Oil Refining Limited
Gulf Pension Fund Trustee Company Limited
Gulf International Trading Company (Europe) Limited
Gulf Oil Financial Services Company Limited
Chevron Chemical U.K. Limited
Gulf Oil North Sea Limited
Gulf Oil Refining Limited
Kewanee Oil Company (U.K.) Limited
Chevron U.K. Offshore Exploration Company Limited
Compania Minera Chevron Dominicana, S.A.
Douala Gulf Oil Company
Eastern Gulf Oil Company Limited
Britama Tankers Limited
Ecuadorian Gulf Oil Company
Global Energy Operations and Management Company, Ltd.
Gulf Agricultural Chemicals Company Limited
Chevron (U.K.) Offshore Investments Limited
Chevron Oil (TNS) Limited
Chevron Oil (TOGH) Limited
Chevron Oil (TNS) Limited

Chevron Oil (TOI) Limited
Chevron Oil (TOI) Limited
Chevron Oil (TNS) Limited
Chevron U.K. Offshore Exploration Company Limited
Chevron U.K. Limited
Britama Tankers Limited
Chevron Chemical U.K. Limited
Chevron Oil (TOGH) Limited
Chevron Pension Fund Trustee Company Limited
Eastern Gulf Oil Company Limited
Britama Tankers Limited
Gulf International Trading Company (Europe) Limited
Gulf Oil (Great Britain) Limited
London Oil Refining Co. Limited, The
Gulf Oil Refining Limited
Lorco Oils (North) Limited
London Oil Refining Co. Limited, The
Lorco Oils (North) Limited
Mainline Pipelines Limited
Gulf Oil Financial Services Company Limited
Gulf Oil North Sea Limited
Gulf Oil Terminals (Ireland) Limited
Britama Tankers Limited
Gulf Pension Fund Trustee Company Limited
Kewanee Oil Company (U.K.) Limited
Compania Minera Chevron Dominicana, S.A.
Gulf Oil (Great Britain) Limited
Gulf Oil Refining Limited
London Oil Refining Co. Limited, The
London Oil Refining Co. Limited, The

Lorco Oils (North) Limited
Lorco Oils (North) Limited
Mainline Pipelines Limited
Gulf Oil Zaire S.A.R.L.
Gulf Kuwait Company
Burgan Pension Fund Trustees Limited
Gulf Oil Zaire S.A.R.L.
Kuwait Oil Company Limited
Burgan Pension Fund Trustees Limited
Kuwait Oil Company Trustees Limited
Kuwait Oil Company Trustees Limited
Gulf Oil (Ireland) Limited
Gulf Oil Company (Nigeria) Limited
Gulf Oil Company of Gabon
Gulf Oil Company — Eastern Hemisphere
Gulf Oil Finance N.V.
Gulf Oil Services, Inc.
Gulf Oil Zaire S.A.R.L.
Gulf Research & Development Company
Chevron Chemical (Hong Kong) Limited
Compania Minera Chevron Dominicana, S.A.
Gulf Oil Company (Nigeria) Limited
Gulf Oil Zaire S.A.R.L.
Iranian Oil Participants Limited
Iranian Oil Services (Holdings) Limited
Meni Grande Oil Company
N.V. Rotterdam-Rijn Pijpleiding Maatschappij
Norske Gulf Production Company A/S
Norwegian Gulf Exploration Company A/S
South Pacific Chevron Company
Suriname Gulf Oil Company
UMC Incorporated
Western Company, The
Western Transnav Company
575 Market Street Building Corporation

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the City and County of Los Angeles; I am over the age of eighteen years and not a party to the within action; my business address is: 1706 Maple Avenue, Los Angeles, California.

On November 16, 1988, I served the within Brief in opposition in re: "Jack Abadjian vs. Gulf Oil Corporation" in the United States Supreme Court, October Term 1988, No. 88-674.

On the Parties in said action, by placing three copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States post office mail box at Los Angeles, California, addressed as follows:

Donald C. Smaltz, Esq.
Leighton M. Anderson, Esq.
Morgan, Lewis & Bockius
801 South Grand Avenue, Suite 2200
Los Angeles, California 90017

Kenneth P. Roberts
5850 Canoga Avenue, Suite 400
Woodland Hills, California 91367

All Parties required to be served have been served.

I certify, under penalty of perjury, that the foregoing is true and correct.

Executed on November 16, 1988, at Los Angeles, California

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